



U.S. Fish & Wildlife Service

PROPOSED SAFE HARBOR AGREEMENT

For the Northern Idaho Ground Squirrel
(*Spermophilus brunneus brunneus*)



U.S. FISH AND WILDLIFE SERVICE
AND BOB AND PEGGY MACK

SNAKE RIVER BASIN OFFICE

1387 S. Vinnell Way, Room 368 · Boise, Idaho 83709
(208) 378-5243 · FAX (208) 378-5262



U.S. Fish & Wildlife Service

PROPOSED SAFE HARBOR AGREEMENT BETWEEN U.S. FISH AND WILDLIFE SERVICE AND BOB AND PEGGY MACK

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Title: Availability of an Environmental Action Statement and Receipt of an Application for a Permit to Enhance the Survival of the Northern Idaho Ground Squirrel in Adams County, Idaho under a Safe Harbor Agreement

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U.S. Fish & Wildlife Service

PROPOSED SAFE HARBOR AGREEMENT BETWEEN U.S. FISH AND WILDLIFE SERVICE AND BOB AND PEGGY MACK

The proposed Safe Harbor Agreement for the northern Idaho ground squirrel between the U.S. Fish and Wildlife Service (Service) and Bob and Peggy Mack follows this introductory page. The Agreement covers approximately 14 acres of the Mack's property near New Meadows, Idaho.

The northern Idaho ground squirrel was listed as threatened under the Endangered Species Act in May, 2000. The Macks have worked with the Service to develop the proposed Safe Harbor Agreement to conserve the northern Idaho ground squirrels that occur on their property. In addition, the agreement would provide the Macks regulatory assurances, under the Endangered Species Act, through a permit that would be issued by the Service.

A 30-day public comment period begins with the publication of a Notice of Availability for this Safe Harbor Agreement in the *Federal Register* on July 20, 2000. Please send your written comments to:

Dennis Mackey
U.S. Fish and Wildlife Service
Snake River Basin Office
1387 South Vinnell Way, Room 368
Boise, Idaho, 83709

We appreciate your taking the time to review this Safe Harbor Agreement. If you have any questions or would like additional information, please call Dennis Mackey at (208) 378-5267.

Sincerely,
Robert G. Ruesink
Supervisor, Snake River Basin Office

SAFE HARBOR AGREEMENT FOR THE NORTHERN IDAHO GROUND SQUIRREL

1.0 Introduction/Background

The species covered by this Safe Harbor Agreement (Agreement) between the U.S. Fish and Wildlife Service (FWS) and Bob and Peggy Mack (the Permittees) is the northern Idaho ground squirrel (*Spermophilus brunneus brunneus*). On March 23, 1998, the FWS published in the *Federal Register* a proposed rule to list the northern Idaho ground squirrel as threatened, under the Endangered Species Act (ESA), throughout its range in Adams and Valley Counties, Idaho (FR 63:13825). The FWS reviewed the status of the species and concluded that the population of this subspecies has declined significantly since 1985. As noted in the proposed rule, the estimated total population in 1985 was about 5,000 animals but by 1998, the total population of this subspecies had declined to about 700 individuals. Based on field surveys during the spring and summer of 1999 (Haak 2000), and other information, the total population size could currently be as low as 300-400 individuals (R. Howard, pers. comm.). The northern Idaho ground squirrel is known from 36 sites in Adams and Valley Counties, Idaho. Of the 36 sites, 16 occur on public lands and 20 occur on private lands (Yensen 1984, Jefferies and Pearson 1998). Only one of these sites contained more than 60 animals with the remainder having between 5 and 15 individuals. The species is primarily threatened by habitat loss due to seral forest encroachment into former suitable meadow habitats. Seral forest encroachment results in habitat fragmentation, isolating northern Idaho ground squirrel sites from each other. This eliminates any genetic exchange or replenishment of sites should one population site decline and another one have surplus individuals. The northern Idaho ground squirrel is also threatened by competition from the larger Columbian ground squirrel (*Spermophilus columbianus*), land use changes such as housing development, recreational shooting and naturally occurring events. Columbian ground squirrels typically out compete northern Idaho ground squirrels when the two species occur together, displacing Idaho ground squirrels out of deep-soil areas into shallow soil, rocky habitat. Columbian ground squirrels can completely take over areas once occupied by northern Idaho ground squirrels. The northern Idaho ground squirrel was listed as a threatened species by the FWS on May 5, 2000 (FR 65: 17779).

A conservation agreement was finalized in July of 1996 between the FWS and the Payette National Forest to enhance conservation of northern Idaho ground squirrels on Federal lands. Duration of the agreement is 5 years. The agreement identifies conservation and land management actions that will provide habitat favorable to the northern Idaho ground squirrel. While this agreement provides for significant conservation benefits on Federal lands, a number of occupied ground squirrel sites occur on non-Federal lands. Protection of these occupied sites and management of other sites on non-Federal lands that are currently unsuitable habitat, but could be made suitable by habitat management measures (i.e., tree removal and prescribed burning), are critical to the long-term survival and recovery of the species.

Safe Harbor Agreements between the FWS and non-Federal landowners who own suitable or potentially suitable ground squirrel habitat are intended to compliment conservation activities currently underway on Federal lands, and play a crucial role in recovery of the northern Idaho ground squirrel. Given the population and habitat status of the northern Idaho ground squirrel, the FWS recognized that funding made available to landowners, coupled with Safe Harbor Agreements, could be one means of encouraging implementation of conservation measures on their lands, providing a critical element in the eventual recovery of this species. For Fiscal Years 1999-2000, the FWS has obligated funds under the ESA Private Landowner Incentive Program, for development of Safe Harbor Agreements.

The purpose of this Agreement is to conserve northern Idaho ground squirrels by creating an incentive for the Permittees to protect currently occupied northern Idaho ground squirrel sites, and allow ground squirrel habitat management measures to be implemented on their property. The funding that would go to the Permittees from the Private Landowner Incentive Program would be in exchange for allowing habitat enhancement and other conservation measures for ground squirrels to be conducted on their lands. The goal of ground squirrel habitat management measures would be to enhance the existing ground squirrel population on the Permittees' property. Specifically, the goal is for ground squirrel populations on the Permittees' property to expand as a result of conservation efforts associated with this Agreement. Benefits to recovery of the species include protection of the species' habitat resulting in a stable or increasing population which may provide individuals available for translocation. This Agreement follows the FWS's Safe Harbor Agreement final policy (FR 64:32717) and final regulations (FR 64:32706).

2.0 Agreement and Permit Duration

The Agreement, including commitments related to funding under the FWS's ESA Private Landowner Incentive Program, will be for a duration of 10 years. The section 10 permit authorizing incidental take of northern Idaho ground squirrels will have a term of 20 years from the effective date of the permit.

Given the probable ground squirrel response time to habitat management, the FWS estimates it may take 10 years of implementing the Agreement to fully reach a net conservation benefit for the species, although some level of benefits will likely occur within 2 to 3 years.

Implementation of this Agreement is expected to result in expansion of the northern Idaho ground squirrel population beyond the 5-acre protected area(s) discussed below. If this population expansion does occur, at the end of the permit term the Permittees may need to incidentally take ground squirrels back to baseline levels before their permit expires, to avoid accruing additional take liability under the ESA. The 20-year term of the permit will be advantageous to the Permittees since they will have a longer time period within which to plan their future land use activities. The 20-year permit term would also benefit ground squirrel conservation since impacts associated with incidental take back to baseline conditions may not occur in the short-term. The permit and Agreement may be extended beyond the specified terms through amendment, upon agreement of both parties.

3.0 Description of Enrolled Lands

The enrolled lands, which will be identified in the permit, are approximately 14 acres, owned by Bob and Peggy Mack, in Price Valley, 5.5 miles northwest of New Meadows, Idaho. The area is a long, narrow parcel of sagebrush/grassland-ponderosa pine habitat bordered to the south by the Price Valley Road and wet meadow habitat along the upper Weiser River, and to the north by Idaho Department of Lands property which is also sagebrush/grassland-ponderosa pine habitat. The 14-acre parcel is comprised of undulating terrain with shallow, rocky soils supporting grasses and sagebrush and occasional ponderosa pine trees on ridges and side hills, and deeper soils in drainage bottoms and along the Weiser River drainage supporting grasses, forbs, and wet meadow plant species, in addition to ponderosa pine. Approximately 50 percent of the area is comprised of shallow, rocky soils and 50 percent is in deeper soils.

Currently, the enrolled lands are grazed by cattle from the adjacent private and state land. Because no fencing is planned for the area, the current level of grazing is expected to continue over the term of this Agreement. In 1999, it appeared that cattle began grazing in the area in late July. During a site visit on

22 July 1999 a FWS biologist observed cattle grazing in the general area, but observed very little if any, effects to areas being used by ground squirrels. Most cattle grazing appeared to be occurring in the large wet meadow area adjacent to the Permittees' property. On 14 October, FWS biologists conducted another site visit, and noted some areas of heavy grazing; the general area appeared to have been grazed to an approximate average 2 inch stubble height. It also appeared that grazing was more extensive in the deeper soil and wet meadow areas, likely due to these areas supporting more succulent and palatable forage for cattle.

The Permittees intend to build a residence on the property within the next several years, and have constructed a level building site (less than 1 acre in size) and access road to the building site. Both the building site and road have been covered by rock/gravel. No obvious ground disturbing activities have occurred in the areas that are currently occupied by northern Idaho ground squirrels.

4.0 Baseline Determination

As noted above, the enrolled lands are the 14 acres currently owned by the Permittees. For purposes of this Agreement and the associated permit, the baseline condition were determined based on the presence or absence of northern Idaho ground squirrels currently occupying the enrolled lands. Based on field surveys in June 2000 by FWS biologists, no northern Idaho ground squirrels occupy greater than 5 of the 14 acres. Therefore, the baseline conditions for the 9 acres is zero (0) (i.e., the 9 acres are not occupied by northern Idaho ground squirrels), and the baseline for the 5-acre protected area(s) is elevated and greater than zero (0). No incidental take will be authorized within the 5-acre protected area(s). Under this Agreement and permit, the 5-acre protected area(s) will be maintained or improved for use by ground squirrels, and incidental take will only be authorized on the 9 acres outside of the 5-acre protected area(s).

Field surveys were conducted in early June 2000 by FWS personnel and the 5-acre protected area(s) was identified. The general distribution of Columbian ground squirrels on the enrolled lands was also documented.

The areas currently occupied by northern Idaho ground squirrels coincide with the shallow, rocky soil areas on ridges and side hills, typical of habitat used by the species, particularly when an area is also occupied by Columbian ground squirrels. Columbian ground squirrels occupy areas on the Permittee's property with deeper soils; no northern Idaho ground squirrels were observed or expected to occur in the areas occupied by Columbian ground squirrels.

5.0 Management and Enhancement Actions for Northern Idaho Ground Squirrels

The management actions under the Agreement for northern Idaho ground squirrels and the anticipated benefits to the species are:

- *Protect 5 acres of occupied, suitable northern Idaho ground squirrel habitat from land use activities that may result in "take" of ground squirrels.*

The Agreement would protect a 5-acre area, most of which is currently occupied by northern Idaho ground squirrels, by excluding activities that may result in "take" of northern Idaho ground squirrels. This provision would protect ground squirrels and their habitat within this core area and maintain an area from which the ground squirrel population could expand to adjacent lands outside of the 5-acre protected area(s).

- *Allow FWS access to the property to conduct ground squirrel conservation activities such as habitat enhancement, artificial feeding, ground squirrel surveys, and translocation of excess ground squirrels should the current population expand beyond the 5-acre protected area(s).*

A substantial threat to northern Idaho ground squirrels appears to be habitat degradation from the loss of native meadow habitat by human-caused changes in natural forest succession patterns (Sherman and Yensen 1994). These habitat changes could affect survival of ground squirrels by reducing the nutritional value of foods available to ground squirrels, thereby, increasing over-winter mortality, particularly of juveniles (Sherman and Gavin 1999). Conservation activities that would improve or maintain meadow habitat, free from tree encroachment, containing plant species high in nutritional quality, would be expected to reduce this threat and lead to a healthy, expanding ground squirrel population. Management activities under the Agreement are intended to create these types of habitat benefits for northern Idaho ground squirrels.

- *If appropriate, develop signs to discourage shooting of ground squirrels.*

Shooting of ground squirrels appears to be a threat to the species in the area of the enrolled lands. During the spring/summer of 1999, six dead ground squirrels (apparently Columbian ground squirrels) were found dead from gunshot wounds on the Mack property (pers. comm. Bob Mack). It may be possible to reduce the potential for shooting mortality by placing signs or using other methods to discourage shooting.

- *The FWS and Permittees will work cooperatively on other issues necessary to further the purposes of the Agreement.*

Opportunities may arise from time to time to provide northern Idaho ground squirrel conservation without significant effects to the Permittees' planned land use activities. In such cases, the FWS and the Permittees will work together to identify and implement such measures. An example of such a measure is control of Columbian ground squirrels to reduce competition with northern Idaho ground squirrels.

6.0 Net Conservation Benefit Description

"Net Conservation Benefit" means that the conservation measures identified in the Agreement provide for an increase in the covered species' population and/or the enhancement, restoration, or maintenance of the covered species' habitat. The net conservation benefit must be sufficient to directly or indirectly contribute to recovery of the covered species.

The proposed rule to list the northern Idaho ground squirrel as threatened under the ESA (FR 63:13825), identified threats to the species as: habitat loss due to seral forest encroachment into suitable meadow habitats, competition from Columbian ground squirrels, land use changes, recreational shooting, and naturally occurring events. The Agreement provides a net conservation benefit to northern Idaho ground squirrels by providing measures for ground squirrel habitat protection and enhancement, managing competition from Columbian ground squirrels, and controlling recreational shooting. The biological goal of ground squirrel conservation measures in the Agreement is to expand the northern Idaho ground squirrel

population at this site beyond the 5-acre protected area(s) by reducing threats to the species. The Agreement is expected to contribute to recovery of northern Idaho ground squirrels by reducing threats and expanding the ground squirrel population at this site. Recovery of the species would be enhanced by increasing the viability of the population at this site and potentially allowing ground squirrels to be translocated to other sites in need of population supplementation (Sherman et al. 1997).

Under the Agreement, currently occupied ground squirrel habitat will be protected by limiting activities within the 5-acre protected area(s) to those that would not result in incidental take of northern Idaho ground squirrels. Also, the Agreement allows for habitat management measures within the 5-acre protected area(s), including but not limited to, prescribed burning, seeding of desirable native plant species, creation of rock jacks, supplemental feeding, and other management activities. These measures are expected to provide high quality ground squirrel habitat (i.e., meadow habitat free from tree encroachment containing plant species with high nutritional value to ground squirrels), with features (rock jacks, downed wood, etc.) that provides escape cover and protection from predators. Supplemental feeding may be useful as a temporary means of improving body mass of ground squirrels entering torpor, increasing over-winter survival. In combination, these measures are expected to provide for an increase in the ground squirrel population from protection and enhancement of habitat.

Cooperative efforts under the Agreement to control Columbian ground squirrels are expected to result in short-term, reduced competition between the two species. Combined with habitat enhancement measures, reducing competition with Columbian ground squirrels should allow northern Idaho ground squirrels to expand to areas currently occupied by Columbian ground squirrels.

The provision in the Agreement for development of signs to discourage shooting of ground squirrels is intended to reduce direct shooting mortality of northern Idaho ground squirrels. Furthermore, when the Permittees build their house and reside on the property, recreational shooting is expected to decrease.

Habitat improvements are expected to benefit ground squirrels immediately and could result in some increase in population levels in about 2 years following treatment (Gavin et al. 1998, Sherman and Gavin 1999). In general, we expect an observable benefit to northern Idaho ground squirrels at this site within 3 years of Agreement implementation and on-the-ground habitat management activities taking place, and full benefits to occur within 10 years.

A major component of the recovery strategy for the northern Idaho ground squirrel will likely be population expansion, through restoration of high-quality habitat, and eventual improvement in ground squirrel population connectivity among the various population sites. This would increase the long-term viability of the species and aid recovery. In general, we expect an observable benefit to northern Idaho ground squirrels at this site within 3 years of Agreement implementation. Vegetation will respond due to the surge of nutrients available as result of burning key areas. Placement of large wood and other structures within the protected sites will provide escape cover. With the increase of this population of ground squirrels, we expect natural emigration to occur with an adjacent colony located near the Price Valley Guard Station, about 1 mile north of this site. This will contribute to recovery of the species, and achieve what the conservation agreement with U.S. Forest Service was intended to accomplish: restoration of high-quality habitat, population connectivity, and long-term viability of northern Idaho ground squirrels.

7.0 *Incidental Take of Northern Idaho Ground Squirrels*

The Permittees intend to build a residence, and related facilities, on the property within the next several years. They have constructed a level building site, less than 1 acre in size, and an access road to the building site. Both the building site and road have been covered by rock/gravel and are unsuitable ground squirrel habitat. Specific activities covered by the permit authorizing incidental take of northern Idaho ground squirrels are: construction and use of the house, garage, and other associated out buildings proposed for development on the property; installation of a well, underground power and telephone lines, and septic system/drainfield, and other required utilities; and operation of all terrain vehicles. The area within which incidental take would be authorized under the permit is the 9 acres outside of the 5-acre protected area(s). No incidental take will be authorized within the 5-acre protected area(s). At least 30 days prior to any expected incidental take occurring, the Permittees will notify the FWS of their proposed activities so ground squirrels can be translocated if necessary.

As noted above, no ground squirrels currently occupy the enrolled lands outside of the 5-acre protected area(s). Therefore, any incidental take of northern Idaho ground squirrels likely to occur under the permit would result from ground squirrel populations within the 5-acre protected area(s) increasing and expanding beyond the protected area(s).

Given the Permittees' plans for when and where they intend to build their house and other facilities, and the location of the 5-acre protected area(s), it is likely that ground squirrels could expand beyond this area, but not be impacted by the Permittees' activities for many years and possibly never. Most of the area where northern Idaho ground squirrels are known to occur are a considerable distance (greater than 250 yards) from the proposed building site. The level of incidental take would largely be dependent on if, and how rapidly, northern Idaho ground squirrels expand beyond the 5-acre protected area(s).

8.0 *Responsibilities of the Parties*

- 8.1** Five (5) acres around the currently occupied northern Idaho ground squirrel site(s) on the Permittees' property will be protected by limiting land uses within the 5 acres to activities that would not be expected to incidentally take northern Idaho ground squirrels. These activities are: walking, hiking, picnicing, or other non-ground-disturbing recreational activities, or other activities identified in cooperation with the FWS that are not expected to result in "take" of northern Idaho ground squirrels. The Permittees intend to install an underground power/telephone line from approximately the northwest corner of their property to their proposed house site. This powerline would cross approximately 30 yards of the western-most portion of the 5-acre protected area(s). At least 1 year prior to the desired time of construction of the powerline, the Permittees will notify the FWS, and the Permittees and FWS will work cooperatively to determine the exact location of the powerline so that "take" of northern Idaho ground squirrels is avoided.

A map that will be attached to and made part of the permit, identifies the 5-acre protected area(s), and the 9 acres where incidental take will be authorized under the permit. The duration of this Agreement will be for 10 years. With funds obligated from the ESA Private Landowner Incentive Program, the FWS will pay the Permittees \$200/acre/year in a one-time payment, upon approval of this Agreement; the total amount will be \$10,000.00 (\$200 x 5 acres x 10 years = \$10,000.00).

In the event the Permittees need to sell the property prior to the full term of this Agreement, they will notify the FWS at least 60 days in advance of the potential sale, and notify the prospective landowner of the existence of this Agreement (and/or have previously recorded the Agreement) in order for the potential new owner to decide whether to continue this Agreement. In the event the new landowner does not wish to continue this Agreement and request transfer of the permit pursuant to 50 CFR 13.25(b), the Permittees terminate this Agreement for other reasons, or the FWS suspends or revokes the permit, the Permittees will reimburse the FWS a pro-rated amount, calculated as: \$800/year (\$200 x 5 acres) x the number of years remaining to be completed in this Agreement. If the new landowner does not become a party to this or a similar Agreement and the permit is not transferred or a new permit is not issued, he/she will not receive the benefits of the permit authorizing incidental take of northern Idaho ground squirrels.

- 8.2 If appropriate to protect ground squirrels, the FWS will work with the Permittees to develop signs to discourage shooting of ground squirrels. The FWS will pay for development, placement, and maintenance of the signs.
- 8.3 The Permittees will allow the FWS access to the property throughout the term of this Agreement to conduct activities related to ground squirrel conservation and to otherwise carry out this Agreement. These activities may include management activities within the 5-acre protected area(s) and conducting ground squirrel surveys throughout the property. Management activities may include, but are not limited to: seeding of desirable native ground squirrel food plants, creation of “rock jacks”, prescribed burning, artificial feeding, and other ground squirrel habitat maintenance activities. These management activities will be at FWS expense. The FWS will cooperate with the Permittees in the development and implementation of these habitat management activities. The FWS may also translocate ground squirrels should ground squirrels establish sites outside of the 5-acre protected area(s) acres. Ground squirrels would be translocated off the Permittee’s property to supplement other populations and benefit ground squirrel conservation. To carry out the ground squirrel habitat management and other conservation activities identified in this paragraph, the FWS will notify the Permittees in advance when access to the property is desired.
- 8.4 The Permittees and the FWS will work cooperatively on other issues necessary to further purposes of this Agreement. Examples of these cooperative efforts may include, but are not limited to: controlling livestock use that is detrimental to ground squirrels (except that fencing will not be used to control livestock), and control of Columbian ground squirrels to reduce competition with northern Idaho ground squirrels. Implementation of these possible future cooperative efforts will be funded by the FWS.
- 8.5 Upon execution of this Agreement and satisfaction of all other applicable legal requirements, the Service will issue a permit, in accordance with section 10(a)(1)(A) of the ESA, to the Permittees authorizing incidental take of northern Idaho ground squirrels as a result of specified activities outside of the 5-acre protected area(s). The term of the permit will be 20 years except that if this Agreement is terminated prior to completion of its 10 year term, the permit will also be terminated. The activities that will be covered by the permit are: construction and use of buildings and related facilities (such as a well, underground power, septic system, etc.) associated with the Permittee’s intended home on the property, and operation of all terrain vehicles. No incidental take will be authorized within the 5-acre protected area(s). At least 30 days prior to any expected incidental take occurring, the Permittees will notify the FWS of their proposed activities so ground squirrels can be translocated if necessary.

- 8.6** In accordance with 50 CFR 17.32(c)(5), the FWS provides assurances to the Permittees that if additional conservation or mitigation measures are deemed necessary, they will be limited to modifications within the 5-acre protected area(s). Additional measures will not involve the commitment of additional land, water, or other natural resources outside of the 5-acre protected area(s) without the consent of the Permittees.

9.0 *Reporting and Monitoring*

The FWS will be responsible for annual monitoring and reporting related to the Agreement. Information in annual reports will include, but is not limited to: 1) habitat management or other activities conducted within the 5-acre protected area(s) over the past year, 2) effectiveness of these management activities in meeting the desired results, 3) status of habitat or other ground squirrel management actions conducted in previous years, 4) results of ground squirrel population and productivity surveys on the enrolled lands both within and outside of the 5-acre protected area(s), 5) the results of any ground squirrel translocation efforts, and 6) recommendations for future ground squirrel management activities consistent with the Agreement. Reports will be due December 1 of each year and a copy will be made available to the Permittees, and to the FWS Regional Office in Portland, Oregon.

The first annual report will include a detailed description of the habitat conditions within the enrolled lands, an estimate of the northern Idaho ground squirrel population size and productivity for the area, and a discussion of the occurrence and general abundance of Columbian ground squirrels on the enrolled lands.

10.0 *Additional Measures*

10.1 Modifications and Amendments.

10.1.1 Modifications of the Agreement. Any party may propose modifications to this Agreement by providing written notice to the other party. Such notice shall include a statement of the proposed modification and the reason for the modification. The parties will use their best efforts to respond to proposed modifications within 60 days of receipt of such notice. Proposed modifications will become effective upon the other parties' written approval.

10.1.2 Amendment of the Permit. The permit may be amended in accordance with all applicable legal requirements, including but not limited to the ESA, the National Environmental Policy Act, and the FWS's permit regulations. The party proposing the amendment shall provide a statement of the proposed amendment and the reasons for the amendment.

10.2 Permit Suspension or Revocation. The FWS may suspend or revoke the permit for cause in accordance with the laws and regulations in force at the time of such suspension or revocation.

10.3 Remedies. Each party shall have all remedies otherwise available to enforce the terms of this Agreement and the permit, except that no party shall be liable in damages for any breach of this Agreement, any performance or failure to perform an obligation under this Agreement or any other cause of action arising from this Agreement.

- 10.4 Dispute Resolution.** The parties agree to work together in good faith to resolve any disputes, using dispute resolution procedures agreed upon by both parties.
- 10.5 Availability of Funds.** Implementation of this Agreement is subject to the requirements of the Anti-Deficiency Act and the availability of appropriated funds. Nothing in this Agreement will be construed by the parties to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The parties acknowledge that the FWS will not be required under this Agreement to expend any federal agency's appropriated funds unless and until an authorized official of that agency affirmatively acts to commit to such expenditures as evidenced in writing.
- 10.6 No Third-party Beneficiaries.** This Agreement does not create any new right or interest in any member of the public as a third-party beneficiary, nor shall it authorize anyone not a party to this Agreement to maintain a suit for personal injuries or damages pursuant to the provisions of this Agreement. The duties, obligations, and responsibilities of the parties to this Agreement with respect to third parties shall remain as imposed under existing law.
- 10.7 Relationship to Authorities.** The terms of this Agreement shall be governed by and construed in accordance with applicable federal law. Nothing in this Agreement is intended to limit the authority of the FWS to fulfill its responsibilities under federal laws. All activities undertaken pursuant to this Agreement or the permit must be in compliance with all applicable state and federal laws and regulations.
- 10.8 Succession and Transfer.** This Agreement shall be binding on and shall inure to the benefit of the parties and their respective successors and transferees, in accordance with applicable regulations (currently codified at 50 CFR 13.24 and 13.25).
- 10.9 Notices and Reports.** Any notices or reports required by this Agreement shall be delivered in writing to the persons listed below:

Bob and Peggy Mack

Supervisor, Snake River Basin Office
U.S. Fish and Wildlife Service
1387 S. Vinnell Way, Room 368
Boise, Idaho 83709
208-378-5243 (Telephone)
208-378-5262 (Fax)

11.0 References

- Gavin T., P. Sherman and E. Yensen. 1998. Translocation and inventory of northern Idaho ground squirrels. Cornell University and Albertson College. 11pp.
- Haak, B. 2000. Northern Idaho ground squirrel population monitoring and habitat mitigation, 1999 annual report. Idaho Department of Fish and Game. Unpublished report.
- Jefferies, S. and D. Pearson. 1998. Northern Idaho ground squirrel monitoring, translocation, habitat inventory and habitat enhancement report. Payette National Forest, Council Ranger District. Unpublished report. 36pp.
- Sherman P. and E. Yensen. 1994. Behavior and ecology of Idaho ground squirrel-results of the 1993 field season. Cornell University. Unpublished report. 12pp.
- Sherman P. and T. Gavin. 1999. Population status of northern Idaho ground squirrel. Cornell University. Unpublished report. 11pp.
- Sherman P., T. Gavin and E. Yensen. 1997. Transplanting northern Idaho ground squirrels. Cornell University and Albertson College. Unpublished report. 8pp.
- Yensen, E. 1984. Taxonomy, distribution, and population status of the Idaho ground squirrel. Albertson College. Unpublished report. 14pp.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Agreement to be in effect as of the date that the FWS issues the permit.

Bob Mack

Peggy Mack

Deputy Regional Director
U.S. Fish and Wildlife Service
Portland, Oregon

Refer to the July 20 issue of the Federal Register for official publication of the Notice of Availability for this Safe Harbor Agreement.

the regulations governing marine mammals (50 CFR 18).

Applicant: Ronald Schauer, Danville, CA, PRT-027545

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted polar bear trophy from the Griseifjord polar bear population, Northwest Territories, Canada for personal use.

Applicant: William A. Niederer, Anchorage, AK, PRT-030197

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted polar bear trophy from the Northern Beaufort sea polar bear population, Northwest Territories, Canada for personal use.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: July 13, 2000.

Kristen Nelson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00-18169 Filed 7-19-00; 8:45 am]

BILLING CODE 4310-55-U

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of an Environmental Action Statement and Receipt of an Application for a Permit To Enhance the Survival of the Northern Idaho Ground Squirrel in Adams County, Idaho Under a Safe Harbor Agreement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Bob and Peggy Mack (Applicants) have applied to the Fish and Wildlife Service (Service) for an enhancement of a survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended. The permit application includes a proposed Safe Harbor Agreement (Agreement) between the Applicants and the Service. The Agreement and permit application are available for public comment.

The Agreement allows for management and conservation of the

threatened northern Idaho ground squirrel (*Spermophilus brunneus brunneus*) on approximately 14 acres of private land, owned by the Applicants, approximately 5.5 miles northwest of New Meadows, Idaho. Northern Idaho ground squirrels currently occupy less than 5 of the 14 acres. The proposed duration of the Agreement is 10 years, and the proposed term of the enhancement of a survival permit is 20 years.

Under the Agreement, a 5-acre area, which includes all the habitat currently occupied by northern Idaho ground squirrels on the Applicants' property, is identified as a protected area. This 5-acre protected area would have a baseline greater than zero (0), and no incidental take would be authorized under the permit within this area. The Agreement allows for a variety of conservation measures to be carried out by the Service within the 5-acre protected area to benefit the conservation of northern Idaho ground squirrels. The permit would authorize the Applicants to return the 9 acres outside of the 5-acre protected area to the existing baseline condition of zero (0) northern Idaho ground squirrels. We expect this Agreement to result in a net conservation benefit by enhancing northern Idaho ground squirrel habitat within the 5-acre protected area, and expanding the northern Idaho ground squirrel population to lands outside the protected area. Recovery of northern Idaho ground squirrels is expected to be enhanced under the Agreement by improving habitat, expanding the northern Idaho ground squirrel population at this site, and potentially providing a population with surplus individuals for transplanting to other sites in need of supplementation. Under the Agreement, the Applicants will receive funding under the Service's Endangered Species Act Private Landowner Incentive Program.

The Service has made a preliminary determination that the proposed Agreement and permit application are eligible for categorical exclusion under the National Environmental Policy Act of 1969. We explain the basis for this determination in an Environmental Action Statement, which also is available for public review.

We request comments from the public on the permit application, and Agreement. All comments we receive, including names and addresses, will become part of the administrative record and may be released to the public.

DATES: Written comments should be received on or before August 21, 2000.

ADDRESSES: Comments should be addressed to Dennis Mackey, Project Biologist, Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709 (telephone: 208/378-5267; facsimile: 208/378-5262).

FOR FURTHER INFORMATION CONTACT: Dennis Mackey at the above address or telephone 208/378-5267.

SUPPLEMENTARY INFORMATION:

Document Availability

You may obtain copies of the documents for review by contacting the individual named above. You also may make an appointment to view the documents at the above address during normal business hours. The documents are also available electronically on the World Wide Web at <http://www.fws.gov/r1srbo/>.

Background

Under a Safe Harbor Agreement, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefitting species listed under the Endangered Species Act. Safe Harbor Agreements encourage private and other non-Federal property owners to implement conservation efforts for listed species by assuring property owners they will not be subjected to increased property use restrictions if their efforts attract listed species to their property or increase the numbers or distribution of listed species already on their property. Application requirements and issuance criteria for enhancement of survival permits through Safe Harbor Agreements are found in 50 CFR 17.22(c).

We have worked with the Applicants to develop the proposed Agreement for the conservation of northern Idaho ground squirrels on their 14 acres of land in Adams County, Idaho. Less than 5 of the 14 acres are currently occupied by northern Idaho ground squirrels. Under the proposed Agreement, the Applicants will: (1) Protect 5 acres of occupied, suitable northern Idaho ground squirrel habitat from land use activities that may result in "take" of ground squirrels; (2) allow Service personnel access to the property to conduct ground squirrel conservation activities such as habitat enhancement, artificial feeding, ground squirrel surveys, and translocation of excess ground squirrels should the current population expand beyond the 5-acre protected area; (3) if appropriate, in cooperation with the Service, develop signs to discourage shooting of ground squirrels; and (4) work cooperatively with the Service on other issues

necessary to further the purposes of the Agreement.

Threats to the northern Idaho ground squirrel include: habitat loss due to seral forest encroachment into suitable meadow habitats; competition from Columbian ground squirrels (*Spermophilus columbianus*); land use changes; recreational shooting; and naturally occurring events. The Agreement provides a net conservation benefit to northern Idaho ground squirrels by providing measures for ground squirrel habitat protection and enhancement, managing competition from Columbian ground squirrels, and controlling recreational shooting. The biological goal of ground squirrel conservation measures in the Agreement is to expand the northern Idaho ground squirrel population at this site beyond the 5-acre protected area by reducing threats to the species. The Agreement is expected to contribute to recovery of northern Idaho ground squirrels by reducing threats and expanding the ground squirrel population at this site. Recovery of the species would be enhanced by increasing the viability of the population at this site and potentially allowing ground squirrels to be translocated to other sites in need of population supplementation.

Consistent with the Service's Safe Harbor policy, under the Agreement, the Service would issue a permit to the Applicants authorizing incidental take of northern Idaho ground squirrels, as a result of activities on 9 acres of their property, outside the 5-acre protected area. These activities include construction and use of the Applicants' house, garage, and other associated out-buildings proposed for development on the property; installation of a well, underground power and telephone lines, a septic system/drainfield, and other required utilities; and operation of all terrain vehicles. We expect that the maximum level of incidental take authorized under the proposed Agreement will never be realized. The level of incidental take would be dependent on if, and how rapidly, northern Idaho ground squirrels expand beyond the 5-acre protected area.

We are providing this notice pursuant to section 10(c) of the Endangered Species Act and pursuant to implementing regulations for the National Environmental Policy Act (40 CFR 1506.6). We will evaluate the permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations. If

we determine that the requirements are met, we will sign the proposed Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Endangered Species Act to the Applicants for take of northern Idaho ground squirrels incidental to otherwise lawful activities in accordance with the terms of the Agreement. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: July 3, 2000.

William F. Shake,

Acting Deputy Regional Director, Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 00-18182 Filed 7-19-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV-060-3809]

Notice of Availability for the Record of Decision and Plan of Operations Approval for the South Pipeline Project; Expansion of Existing Gold Mining/Processing Operations; Lander County, NV

AGENCY: Bureau of Land Management, DOI.

COOPERATING AGENCIES: Nevada Division of Wildlife, US Army Corps of Engineers.

ACTION: Notice of Availability of the Record of Decision and Plan of Operations Approval for the South Pipeline Project, Lander County, Nevada.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 Code of Federal Regulations 1500-1508 Council on Environmental Quality Regulations, the Bureau of Land Management (BLM) has issued a Record of Decision for the South Pipeline Final Environmental Impact Statement (EIS) and Plan of Operations Approval for the Cortez Gold Mines' South Pipeline Project.

EFFECTIVE DATE: Appeals of the decision must be post-marked or otherwise delivered by 4:30 p.m. July 27, 2000.

ADDRESSES: Copies of the Record of Decision are available at the BLM, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, NV 89820.

FOR FURTHER INFORMATION CONTACT: Gary Foulkes, Project Manager, Battle Mountain BLM at (775) 635-4060.

SUPPLEMENTARY INFORMATION: Cortez Gold Mines, Inc. (CGM) has been

approved to extend gold mining operations at the Pipeline Mine within the Gold Acres Mining District in Lander County, approximately 30 miles southeast of Battle Mountain, Nevada. The South Pipeline Project (Project) (as approved) includes an expansion of the existing open pit and waste rock disposal sites, and the development of heap leach and ancillary facilities. The Project will require additional surface disturbance of 4,450 acres, all of which is public land administered by the Bureau of Land Management. Operations are expected to occur seven days a week, 24 hours a day, for an additional 10 years.

Gerald M. Smith,

Field Manager, Battle Mountain Field Office.

[FR Doc. 00-18341 Filed 7-19-00; 8:45 am]

BILLING CODE 4310-HC-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-030-00-1020-XU: GPO-0285]

Notice of Meeting of John Day/Snake Resource Advisory Council

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Meeting of John Day/Snake Resource Advisory Council: Walla Walla, Washington.

SUMMARY: On September 6, 2000 at 10 a.m. there will be a panel discussion to define and clarify the Endangered Species Act (ESA). The meeting will be held at the Cascade Natural Gas Corporation conference room, 324 W. Rose Street, Walla Walla, Washington. The meeting is open to the public. Public comments will be received at 10 a.m. on September 7, 2000. The following topics will be discussed by the council: Status and future of the RAC subgroups; RAC's position on the over stocked timber stands issue/ prescribed fire; Meeting quorum issues; OHV issues; A 15 minute round table for general issues.

FOR FURTHER INFORMATION CONTACT: Juan Palma, Bureau of Land Management, Vale District Office, 100 Oregon Street, Vale, Oregon 97918, Telephone (541) 473-3144.

Juan Palma,

District Manager.

[FR Doc. 00-18168 Filed 7-19-00; 8:45 am]

BILLING CODE 4310-33-M